

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1, and 3-71 are pending with all claims having been rejected by the Office Action. Claim 2 has been cancelled by these amendments.

It is submitted that these claims are patentably distinct from the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The remarks made herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather the amendments and remarks made herein are simply for clarification and to round out the scope of protection to which Applicants are entitled.

The amendments to the specification have been made to place the application in conformity with U.S. customary practice and 37 C.F.R. 1.77.

The Examiner has indicated that to perfect priority based upon an application filed in Ireland on 1/11/1999 a certified copy of the application must be filed with the U.S. Patent and Trademark Office. In an effort establish the claim of priority, a certified copy of the Irish Application has been ordered and will be submitted in a supplemental response to this Office Action. In any event an un-certified copy of the priority document is submitted herewith in order to further prosecution.

The title of the application has been objected to, in response, the title suggested by the Examiner has been substituted for the original title to overcome this objection. Accordingly, it is requested that this objection be withdrawn.

Finally, the Examiner has objected to claim 35 due to an informality. In response, claim 35 has been amended as suggested by the Examiner and it is requested that the objection be withdrawn.

II. 35 U.S.C. § 112

Claims 15-17, 19-20, 27, and 33-36 have been rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Office Action points out instances of insufficient antecedent basis. In response, the claims listed above have been amended to correct these insufficiencies. Accordingly, it is respectfully requested that the rejections under §112, second paragraph be withdrawn.

III. 35 U.S.C. § 102 REJECTIONS

The Office Action rejects claims 1-5, 8-11, 14-15, 21-26, 30-31, 38-39, 52-55, 59, and 61-71 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,190,036 to Linder. To the best of Applicants attorney's understanding, the Office Action argues that the location of the central and side electrodes is taught by Linder in that the center electrode of the two sets of three electrodes is adjacent the umbilicus and the other two electrodes are adjacent the respective left and right mid-axillary lines of the subject.

In response, claims 1 and 52 have been amended to clarify that the central electrode is located "substantially about" the umbilicus of the subject and that the side electrodes are located "substantially about" the respective left and right mid-axillary lines. In other words, there is one electrode in the region of the left mid-axillary line, one in the region of the right mid-axillary line, and one in the region of the umbilicus. Linder does not teach such a configuration of electrodes. Accordingly, it is respectfully submitted that independent claims 1 and 52 as

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amended patentably distinguish over Linder and are allowable. Claims 3-51, and 53-71 depend from allowable base claims and are allowable therewith.

The Office Action also rejects claims 1-12, 14-23, 27-28, 32-36, 38-39, 52-60, and 71 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,341,237 to Hurtado. As discussed above it is respectfully submitted that this application is a continuation application of PCT/IE00/00004, filed on January 11, 2000 which claims the benefit of priority to Irish Application No. S1999/0016, filed on January 11, 1999. Further, it is submitted that a certified copy of the priority document has been ordered and shall be submitted in a supplemental response. Accordingly, as the present invention claims priority to a date which predates the earliest priority date of Hurtado, it is respectfully requested that these rejections be withdrawn.

Finally, the Office Action rejects claims 13, 29, 37, 40-51 as unpatentable over combinations of Hurtado, Linder, and U.S. Patent No. 4,381,012 to Russek. As both Linder and Hurtado have been distinguished above, and because these rejections deal solely with dependent claims that depend from an allowable base claim, it is respectfully submitted that these claims patentably distinguish over the combinations of references are allowable.

Accordingly, withdrawal of the rejections and allowance of claims 1, and 3-71 is respectfully requested.

CONCLUSION

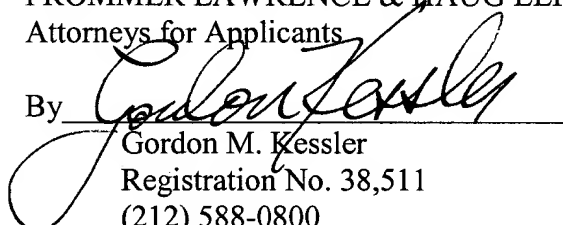
In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

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